

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PBT

CASE MANAGEMENT TRACK DESIGNATION FORM

James McCants, Jr.

CIVIL ACTION

Officer Jeffrey Walker, et al.

14 NO. 2987

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (✓)

5/27/2014
Date

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MAY 27 2014

PBT

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 1722 Lansing Street, Philadelphia, PA 19111
 Address of Defendant: C/o Philadelphia Law Department, Civil Rights Unit.
 Place of Accident, Incident or Transaction: Philadelphia
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
 (Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes No

Does this case involve multidistrict litigation possibilities?

Yes No

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
 Yes No
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
 Yes No
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
 Yes No
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
 Yes No

CIVIL: (Place in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. Indemnity Contract, Marine Contract, and All Other Contracts
2. FELA
3. Jones Act-Personal Injury
4. Antitrust
5. Patent
6. Labor-Management Relations
7. Civil Rights
8. Habeas Corpus
9. Securities Act(s) Cases
10. Social Security Review Cases
11. All other Federal Question Cases
 (Please specify) _____

B. Diversity Jurisdiction Cases:

1. Insurance Contract and Other Contracts
2. Airplane Personal Injury
3. Assault, Defamation
4. Marine Personal Injury
5. Motor Vehicle Personal Injury
6. Other Personal Injury (Please specify)
 (Please specify) _____
7. Products Liability
8. Products Liability — Asbestos
9. All other Diversity Cases

I, STEPHEN T. O'HANLON,

ARBITRATION CERTIFICATION

(Check Appropriate Category)

Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

Relief other than monetary damages is sought.

DATE: 5/27/2014


Attorney-at-Law

208428

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 5/27/2014


Attorney-at-Law

208428

Attorney I.D.#

\$400.00

PBT

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

JAMES McCANTS, JR.

Civil No. _____

Plaintiff,

v.

OFFICER JEFFREY WALKER
(Badge # 3730)

14 2967

-and-

OFFICER BRIAN REYNOLDS
(Badge # 4268)

-and-

OFFICER CUJDIK
(Badge # 1574)

-and-

CHARLES H. RAMSEY, POLICE
COMMISSIONER

-and-

THE CITY OF PHILADELPHIA

Defendants:

COMPLAINT AND JURY DEMAND

Plaintiff, James McCants, Jr., by and through his undersigned counsel, The O'Hanlon Law Firm, P.C., hereby demands a trial by jury and complains against the above-captioned Defendants as follows:

Statement of Claim and Jurisdiction

1. This is an action for money damages brought pursuant to 42 U.S.C. §§ 1983 and 1988, and the Fourth and Fourteenth Amendments to the United States Constitution against Defendant

Officers Jeffrey Walker, Brian Reynolds, and Cujdik, in their individual and official capacities, and against the City of Philadelphia and its executive and administrative police officer, Charles H. Ramsey. Jurisdiction is based upon 28 U.S.C. §§ 1331 and 1343.

2. It is alleged that the individual police officer Defendants violated Plaintiff's Fourth and Fourteenth Amendment rights to the United States Constitution by initiating and perpetuating a malicious prosecution.

3. It is further alleged that these Constitutional violations were committed as a result of policies, customs, omissions, and indifference of Defendant the City of Philadelphia and its Police Department with Defendant Charles H. Ramsey as Chief of Police.

Parties

4. James McCants, Jr. (hereinafter "Plaintiff") is a resident of Philadelphia County, Pennsylvania.

5. Defendant Officers, Officer Jeffrey Walker, Officer Brian Reynolds, and Officer Cujdik (hereinafter "Defendant Officers"), were at all times relevant to this Complaint duly appointed and acting officers of the Police Department of the City of Philadelphia, acting under color of law, to wit, under color of the statutes, ordinances, regulations, policies, customs, and usages of the Commonwealth of Pennsylvania and/or the City of Philadelphia.

6. Defendant, the City of Philadelphia, Pennsylvania, is a municipal corporation and the public employer of Defendant Officers with Defendant Charles H. Ramsey as Chief of Police (hereinafter "Defendant Ramsey").

Facts

7. On or about June 2, 2004, Plaintiff was stopped, search, seized, and arrested by Defendant Officers for alleged narcotics trafficking and firearms violations.

8. Plaintiff had no narcotics or firearms.

9. On case MC-51-CR-0543151-2004, Plaintiff's bail was set at \$4,500 on June 3, 2004, and Plaintiff posted bail on June 4, 2004.

10. Plaintiff was, thus, detained for two days before making bail.

11. Facing substantial jail time because of the false accusations leveled at him by Defendant Officers, Plaintiff bench warrant on September 12, 2005 on Common Pleas Court case, CP-51-CR-0404361-2005.

12. Plaintiff was subsequently brought back into the prison system and Plaintiff's bench warrant was lifted on or about May 16, 2011.

13. On January 12, 2012, faced with substantial guideline and/or mandatory sentencing time, Plaintiff entered into a guilty plea before the Honorable Ellen Ceisler.

14. On February 14, 2014, Plaintiff filed a Motion to withdraw his guilty plea and counsel filed the same Motion on March 1, 2012.

15. On March 27, 2012, facing a substantial prison sentence and a lengthy wait for a jury trial and with encouragement from the court, counsel, and Plaintiff's family, Plaintiff did not withdraw his guilty plea and was sentenced to time served to 23 months followed by 3 years of reporting probation. Plaintiff was held in pre-trial and post-plea confinement for approximately one year.

16. On April 11, 2014, following revelations of corruption and criminality by Defendant Officers, counsel filed a Post-Conviction Relief Act Petition on behalf of Plaintiff seeking a new trial.

17. On April 16, 2014, the Commonwealth of Pennsylvania did not oppose the granting of a new trial and immediately *nolle prossed* the case against Plaintiff because of the involvement of Defendant Officers in Plaintiff's arrest.

18. At all times during the events described above, Defendant Officers were engaged in a joint venture. The individual officers assisted each other in performing the various actions described and lent their presence and support and the authority of their office to each other during the said events.

19. As a direct and proximate result of the said acts of Defendant Officers, Plaintiff suffered the following injuries and damages:

- a. Violation of his Constitutional rights under the Fourth and Fourteenth Amendments to the United States Constitution;
- b. Loss of physical liberty;
- c. Emotional injury.

20. The actions of Defendant Officers violated the following clearly established and well-settled federal constitutional rights of Plaintiff:

- a. Against malicious prosecution.

21. As police chief and chief executive of the Philadelphia Police Department, Defendant Ramsey is ultimately responsible for supervision and policies so that his subordinate staff comply with the laws of the United States of America. Defendant Ramsey promulgates policies on behalf of the City of Philadelphia which have seen a Police Department plagued by allegations of corruption and criminality. This has been caused by, *inter alia*, inadequate supervision, inadequate investigation of police complaints, and contractual negotiations with a

police union that leads to inadequate censure of corrupt and criminal police officers and often leads to reinstatement following serious meritorious complaints.

Causes of Action

COUNT ONE: 42 U.S.C. § 1983 – FOURTH AMENDMENT, MALICIOUS PROSECUTION, AGAINST ALL DEFENDANTS

22. Paragraphs 1 through 21 are incorporated herein by reference as though fully set forth.
23. Defendant Officers initiated a meritless criminal proceeding against Plaintiff, the criminal proceeding ended in Plaintiff's favor when the District Attorney of Philadelphia ultimately *nolle prossed* Plaintiff's criminal case because Defendant Officers are corrupt and allegedly criminal, Defendant Officers initiated the criminal proceedings without probable cause, Defendant acted maliciously or for a purpose other than bringing Plaintiff to justice, and Plaintiff suffered deprivation of liberty and was arrested and incarcerated for in excess of one year.
24. Defendant Ramsey and the City of Philadelphia are liable because they implemented policies and procedures that allowed corrupt officers to flourish in the Philadelphia Police Department. The Federal Government knew that Defendant Officers were corrupt and non-credible and, therefore, could not be used in federal prosecutions. Defendant Ramsey and the City of Philadelphia knew or should have known of the reality of Defendant Officers but nothing was done, resulting in continued prosecutions of innocent individuals like Plaintiff.
25. Plaintiff should, therefore, be compensated for the violation of his Fourth Amendment rights not to suffer malicious prosecution.

Prayer for Relief

WHEREFORE, Plaintiff requests that this Court:

- a. Award compensatory damages to Plaintiff against Defendants;
- b. Award costs of this action to Plaintiff;

- c. Award reasonable attorney's fees and costs to Plaintiff;
- d. Award punitive damages to Plaintiff;
- e. Award such other and further relief as this Court may deem appropriate.

Demand for Jury Trial

Plaintiff hereby demands a jury trial.

The O'Hanlon Law Firm, P.C.



STEPHEN T. O'HANLON, ESQUIRE

DATE: May 27, 2014

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